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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 August 1999, at 10 a.m.

Chairman: Mr. HATANO

later: Mr. BOSSUYT
(Vice-Chairman)

later: Mr. HATANO
(Chairman)

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The meeting was called to order at 10 a.m.

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

(b) XENOPHOBIA

(agenda item 3) (E/CN.4/Sub.2/1999/5, 6, 7 and Add.1, 8 and 40; E/CN.4/Sub.2/1999/NGO/3, 4 and 12; E/CN.4/1999/12, 15 and Add.1, and 16 and Corr.1 and 2; E/CN.4/1999/L.11/Add.6)

1. Mr. WEISSBRODT, introducing his working paper on the rights of non-citizens prepared in accordance with Sub-Commission decision 1998/103 (E/CN.4/Sub.2/1999/7), said that he had explored the rights of non-citizens under the relevant international standards, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, and had examined the development of such rights since the 1985 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live. He had also presented some tentative conclusions and recommendations. The working paper had been prepared in response to the needs of the Committee on the Elimination of Racial Discrimination (CERD) and also addressed some additional issues raised by members of the Sub-Commission.

2. CERD had drawn attention to the growing tendency to make distinctions between different categories of non-citizens, which in some cases deprived people of fundamental rights and had racist implications. Thus the European Union made distinctions between foreign nationals of member and non-member States of the Union. In Italy, for example, foreign workers from Union countries received more substantial social security benefits than their counterparts from non-member countries. He shared CERD's concerns and advocated the development of a standard to ensure that distinctions between different categories of non-citizens had a legitimate basis and did not constitute discrimination.

3. The ground-breaking study entitled International Provisions Protecting the Human Rights of Non-Citizens, prepared by Baroness Elles for the Sub-Commission in 1977, had been superseded to some extent by recent developments including the jurisprudence of the Human Rights Committee and CERD. In its General Comment 15, adopted in 1986, the Human Rights Committee had expressed concern that, in some cases, States parties to the International Covenant on Civil and Political Rights had failed to implement its provisions without discrimination in respect of aliens. It had also drawn attention to the responsibility of States parties to make known the Covenant's provisions to aliens within their jurisdiction.

4. The Committee's forthcoming General Comment on article 12 of the Covenant concerning freedom of movement was also likely to be of relevance to the rights of non-citizens. The development of a consistent approach by the relevant United Nations human rights treaty bodies to the issue of non-citizens' rights presented a major challenge.

5. He had dealt with issues relating to migrants in an addendum to his working paper (E/CN.4/Sub.2/1999/7/Add.1) with particular reference to the impediments to ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

6. He suggested that the Sub-Commission should cooperate closely with CERD in examining the issue and preparing a comprehensive study on the rights of non-citizens. CERD might, perhaps, be persuaded to withdraw its somewhat outdated General Recommendation XI on non-citizens and prepare a new general recommendation in narrative form that took account of later developments in the field.

7. Mr. OLOKA ONYANGO, introducing his working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8), said he had not been surprised to hear the High Commissioner for Human Rights highlight the theme of globalization in her opening statement to the Sub-Commission. The issue had received unprecedented coverage in 1999 as the theme of the annual British Broadcasting Corporation (BBC) Reith lectures, the Human Development Report of the United Nations Development Programme (UNDP) and numerous conferences, lectures and seminars. It was extremely important for the Sub-Commission to come to grips with a phenomenon that was destined to be the key social, political, economic and cultural issue of the next millennium.

8. Three distinct stages of globalization were discernible in recent history: colonial imperialism entailing foreign capital movements; internationalization through the adoption of human rights instruments, and late capitalism involving the multilateralization of capital and the institutions controlling such capital.

9. As for the second dimension of his study, he stressed the importance of coming to grips with the most recent manifestations of racism, racial discrimination and xenophobia. Racism was a structural phenomenon that could not be addressed as a series of fortuitous incidents or a freak failing of human nature. The new directions of institutionalized racism would have to be addressed through a critical examination of its most recent manifestations.

10. Although studies of globalization were proliferating, few had made the connection with racism. He hoped that his own study would assist in identifying the points of linkage between the two phenomena and in designing a framework for comprehensively appreciating the diverse aspects of the latest developments in the global economic order.

11. Mr. BOSSUYT said that, having been unable to attend the previous session of the Commission, he had not had the opportunity to introduce his working paper on the concept of affirmative action (E/CN.4/Sub.2/1998/5), which outlined the relevant international provisions and reviewed developments in the case law of the United States Supreme Court and the European Court of Justice. In the meantime, however, the Economic and Social Council had endorsed the proposal by the Sub-Commission and the Commission on Human Rights that he should be appointed as Special Rapporteur on the subject.

12. Affirmative action could take the form of constitutional, legislative, regulatory or administrative measures designed to assist certain categories of disadvantaged individuals who had suffered systematic discrimination in the past. The term "positive discrimination" should not be used to designate such measures, since the word "discrimination" was a pejorative term applied to arbitrary, unlawful or unjustifiable distinctions. Measures adopted for a laudable purpose did not necessarily justify disparity of treatment. It would be unfair, for example, to provide social assistance to persons who did not need it but belonged to a category that had previously been disadvantaged, and to withhold it from persons who needed it but belonged to a formerly privileged category.

13. Public authorities must therefore select affirmative-action measures in such a way as to assist certain categories without depriving others. An individual must not be deprived of a right on the grounds that such deprivation could compensate disadvantaged groups for previous discrimination. Affirmative action was not an exception to the principle of non-discrimination. Indeed, the principle of non-discrimination imposed limits on affirmative action, which must not lead to disparity of treatment in terms of rights or freedoms for reasons unrelated to those rights or freedoms.

14. In its resolution 1998/5, the Sub-Commission had approved his suggestion that the High Commissioner for Human Rights should be requested to send out a questionnaire to Governments, international organizations and non-governmental organizations (NGOs), inviting them to provide all relevant documentation on affirmative action. He had proposed that the questionnaire should inter alia cover: relations between non-discrimination and affirmative action; temporal, goal-related and other limits on positive action; and differences in affirmative action based on criteria, such as race, sex and language, that could serve to identify beneficiary groups. Measures should be classified as constitutional, legislative, regulatory or administrative and the relevant case law, particularly that emanating from the highest domestic courts, should be quoted. He urged the Sub-Commission to adopt a decision mentioning that it had authorized a questionnaire.

15. Mr. PINHEIRO said he regretted that he had been unable, owing to circumstances beyond his control, to prepare a working paper on proposals for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He would comment briefly on the subject instead.

16. The World Conference offered a unique opportunity for the United Nations, Governments and NGOs to forge a world strategy against racism in the twenty-first century. The Sub-Commission must put forward imaginative proposals designed to mobilize world public opinion, drawing on its wide-ranging experience in the struggle against racism and the many studies it had undertaken since the first World Conference to Combat Racism and Racial Discrimination in 1978.

17. The Sub-Commission had recognized the need to combine legislation against racial discrimination with educational and cultural initiatives and public awareness campaigns. It had further noted that racism and racial discrimination often resulted from the inequitable distribution of political

and economic power within societies. A 1989 study by Mr. Eide had focused on discrimination in specific contexts: indigenous peoples, slavery, migrant workers, aliens and ethnic groups. In 1993, the same expert had reported on ways and means of facilitating the peaceful and constructive solution of problems involving minorities. In 1998, a joint Sub-Commission/CERD paper had dealt with action against racism through teaching, education and culture and made recommendations concerning curricula at all levels of education.

18. At the Commission's current session, working papers had been submitted by Mr. Weissbrodt on the rights of non-citizens and by Mr. O[illegible]-Onyango on globalization in the context of the increased incidences of racism, racial discrimination and xenophobia. Mr. Bossuyt's study of affirmative action would also no doubt form the basis of a proposal for the World Conference.

19. In its proposals for the World Conference the Sub-Commission should highlight: the explosion of ethnic conflicts in the last decade of the century; the spread of xenophobia, particularly in Europe; double discrimination such as with respect to race and gender, race and sexual orientation, race and disability, race and age; the need for a thorough and transparent analysis of racism, discrimination and exclusion in multiracial societies; and ethnic divisions in countries that had experienced armed conflicts.

20. He proposed that a working paper be prepared on proposals for the forthcoming World Conference based on all the Sub-Commission's studies since the Second World Conference to Combat Racism and Racial Discrimination in 1983. It would seek to find a common denominator among the studies compatible with the six main objectives of the Conference, namely, reviewing the progress made in the fight against racism; considering ways and means of ensuring the application of existing standards; increasing awareness; formulating recommendations on ways to increase the effectiveness of United Nations activities and mechanisms; reviewing the various factors leading to racism; and formulating specific recommendations to further new national, regional and international measures to combat all forms of racism. A preliminary version of the working paper could be prepared for the meeting of the Preparatory Committee for the World Conference to be held in May 2000.

21. Ms. BAGUIROVA (Azerbaijan Women and Development Centre) drew attention to the 1 million Azerbaijani refugees from Armenia and Armenian-occupied Azerbaijani territories whose plight had remained unresolved by the international community for the past 11 years. The example of Kosovo showed that it was possible for human beings to unite and take effective action in response to threats of genocide and mass violations of human rights. That intervention was an example to the United Nations of how united action could be effective in extreme situations. NGOs had a prominent role to play in that regard.

22. Close attention should also be devoted to the education of the rising generation. Almost all existing education systems gave overt or covert prominence to one dominant culture, thereby instilling feelings of superiority or inferiority. Yet there could be no "greater" and "lesser" cultures. Civilization must be based on the harmonious coexistence of individuals in a

climate of mutual respect - values that, in a world racked by nationalism, xenophobia and racial discrimination, must be inculcated through education.

23. Her organization thus proposed the convening of an international conference on education, to review the whole history of the world's cultures and peoples, highlighting the unity of the civilization that underlay the diversity of those peoples and cultures; and the establishment of a scientific institute for the study of languages, to conduct research aimed at determining the common ancestry of all languages. Such an initiative would help bring about a change in attitudes, thereby promoting solutions to social, political and other world problems.

24. Ms. BIRD (International Confederation of Free Trade Unions) said that attempts by national Governments to reduce immigration, often using migrant workers as scapegoats in difficult economic situations, were short-sighted, as such workers brought great economic benefits to the receiving countries. Though contending with low pay, unbearable working conditions and exploitation, migrant workers were often escaping from even greater misery in their home countries. Such was the case of migrant workers in Thailand and Venezuela, fleeing manhunts, paramilitary killings and death threats in Myanmar and Colombia respectively.

25. While legal instruments existed to protect migrant workers, they were rarely enforced. That was why, her organization, representing 124 million workers worldwide, was participating in several international campaigns to protect, organize and empower the migrant workers themselves. In the context of the steering committee promoting ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it applauded the ratification of that Convention by Senegal, bringing the number of ratifications to 12.

26. It had also been instrumental in the decision, taken by the International Labour Conference in June 1999, to start a new campaign for the ratification of ILO Conventions Nos. 97 and 143 on migrant workers' rights. It welcomed the decision by the Commission on Human Rights to appoint a Special Rapporteur on the human rights of migrants. It believed, however, that it would be premature for the Sub-Commission to remove the topic from its agenda, as proposed by Mr. Weissbrodt in paragraph 22 of the addendum to his working paper (E/CN.4/Sub.2/1999/7/Add.1).

27. The labour movement also supported national legislation to protect victims of trafficking, such as the Wellstone-Slaughter bill currently before the United States Senate. Above all, however, her organization was campaigning for the recognition of migrant workers as fully-fledged workers with fully-fledged rights: the battle for recognition of the core labour standards was one that needed especially to be fought on behalf of such workers.

28. Ms. AMALIA (Netherlands Organization for International Development Cooperation) said that the Indonesian Government's policy of sending large numbers of migrant workers abroad had benefited it enormously because of the foreign exchange earned by those workers. However, the Government had failed to reciprocate by providing adequate protection for those workers and their

families. Migrant workers and their families also suffered discrimination within Indonesia. Her organization thus urged the Sub-Commission to exert pressure on the Indonesian Government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to take full responsibility for all cases abroad involving Indonesian migrant workers and their families.

29. Mr. Bossuyt, Vice-Chairman, took the Chair.

30. Ms. TANAKA (International Movement Against All Forms of Discrimination and Racism) said that, in the neo-liberal global economy, welfare States had turned into welcome States, whose major concern was to attract foreign capital and foreign aid. In such a climate, vulnerable groups, with no State protection against exploitation by unscrupulous global economic actors, were increasingly doomed to extreme poverty. The gap between the rich engaged in the process of global competition and the poor excluded from it was widening. Indigenous peoples and other rural minorities had seen their land confiscated by agribusiness, mining interests and the like, with the active support of the host States.

31. The land-rights issue was a direct consequence of discrimination against indigenous and rural minorities by the global economy and its end result was mass migration to the industrialized regions. The recipient countries responded with economic exploitation of cheap labour, and also with racism and rejection on the part of civil society fearful for its job security. Globalization was accompanied by an expansion of transnational organized crime, the State response to which often had a more adverse effect on the victims than on the criminal organizations themselves. The linkage between globalization, extreme poverty and migration flows merited further study.

32. Her organization particularly welcomed Mr. Weissbrodt's discussion of trafficking in women and children. Further study on that topic should take account of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and of the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, both supplementary to the United Nations Convention against Transnational Organized Crime. Lastly, the new, expanded concept of citizenship applied within the European Union and the North American Free Trade Agreement (NAFTA) countries should also be examined in depth.

33. Mr. HOFFMAN (Aboriginal and Torres Strait Islander Commission) said that the indigenous peoples of Australia shared the widespread frustration that efforts to combat racism were not working. Recent Australian legislation had been found by CERD to be racially discriminatory. As a nation-State, Australia had not yet faced up to the consequences of its colonial past. There had been no process of decolonization because there was insufficient will on the part of the majority population to address the major imbalances in Australia's social structure. Successive attempts at reconciliation had been a failure, because the Government had failed to cross the barriers erected between peoples by colonialism and had chosen instead to deny colonial history.

34. By the time the Government had been forced into establishing the Royal Commission into Aboriginal Deaths in Custody, 99 Aboriginal and Torres Strait Islander people had died in prison or police custody in less than 10 years. Despite the 339 recommendations contained in the final report of the Royal Commission, no criminal charges had been brought against any officials in connection with those deaths. Indigenous peoples comprised 2.5 per cent of Australia's total population, yet one-third of all adult male prisoners, two-thirds of adult female prisoners and two-thirds of the juveniles in detention were indigenous people.

35. A report by Australia's Human Rights and Equal Opportunity Commission entitled "Bringing Them Home" revealed a tragic history of Government policies aimed at separating indigenous children from their parents and communities. The Government had steadfastly refused to acknowledge that report or to implement its recommendation. The Prime Minister had achieved international notoriety for his refusal to apologize to the many thousands of indigenous people whose lives had been adversely affected.

36. Yet the Government continued to preach to its neighbours about democracy, public accountability and the strength of its institutions. The elimination of racism, however, required more than rhetoric. It required the Government to take the side of the victim, not the culprit. It required openness, honesty and courage. It was absolutely unacceptable that Australia's indigenous peoples should continue to endure the racism of which they had been the victims throughout two centuries of colonial government.

37. The indigenous peoples of Australia urged the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to accept the invitation of the Government to visit Australia. They also strongly urged the Government to promote, organize and participate in a regional conference leading up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Lastly, his organization recommended that the Commission on Human Rights should include the elimination of racial discrimination against indigenous peoples as a theme for the World Conference. The inclusion of such a theme would require a commitment by States to acknowledge past and continuing injustices against indigenous peoples; recognition of the ownership by indigenous peoples of their lands; and restoration of their autonomy, their identity and the resources needed for their survival as viable peoples.

38. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship Among Peoples) said he hoped that there would be an in-depth discussion of the relations between globalization and the atomization it produced in terms of the increasing mutual exclusion of individuals and groups. The World Conference against Racism should deal with all the issues on the Sub-Commission's agenda, but particularly those concerning migrant workers, ethno-nationalism and racist attitudes to Gypsies and travelling people.

39. One certain effect of globalization was the development of xenophobia with regard to migrants and their families, and it was shocking to see democratic States hesitating to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. His organization once again requested the Sub-Commission to draw up

a very firm recommendation on behalf of that instrument. It was indisputable that discriminatory practices must be combated by means of the appropriate legal and practical instruments: the European Union, with the particular support of the trade unions, was currently making efforts along those lines.

40. Ms. BIRO (Minority Rights Group) spoke of the clear role and obligation of State agencies such as the police and immigration officers under the various international instruments relating to the elimination of racial discrimination. The inquiry into the death in London of a black teenager had concluded that the investigation of that racist murder had been marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior police officers. The inquiry report had stated that although institutional racism affected the Metropolitan Police Service and police services elsewhere, that finding should not lead to complacency in other institutions and organizations, for collective failure was apparent in many of them, including the criminal justice system.

41. The inquiry report had produced a racist backlash from some quarters and a number of NGOs, including her own organization, had received anonymous threats. Her organization recommended that the United Nations should take adequate steps to ensure the full and effective dissemination of all international standards to all communities, with programmes involving the media where possible; to ensure the effective participation of minorities in its mechanisms, including the Working Group on Minorities and the World Conference against Racism; to encourage multiculturalism and intercultural cooperation in all development programmes, including training programmes for the police; and to ensure that minorities were able to participate effectively without discrimination in the economic, social, cultural and political life of their countries.

42. Mr. Hatano resumed the Chair.

43. Ms. OLIVER (European Union of Public Relations) said that little would be achieved unless a concrete plan of action was adopted to persuade nation States to implement educational programmes and institute policies that punished overt racial discrimination. Intolerance was rapidly emerging as the most sinister ideology that the twentieth century would bequeath to the future. The main victims of the policies and ethos of racial and religious discrimination were multi-ethnic and multi-religious societies: there was a spreading virus of demands from non-viable groups for the creation of fragmented States so that each group could create its own homeland. The blame lay with those who, for selfish interests encouraged fissiparous tendencies in nation States. Xenophobia revelled in an environment of weak democracy, and human rights activists needed to formulate an action plan designed to investigate constitutional and legal structures and educational environments in different States because, where discrimination was sanctioned by the State and education created darkness rather than enlightenment, the States concerned needed to be ostracized.

44. Mr. WAREHAM (International Association Against Torture) said that globalization was the new euphemism for "imperialism", the penetration of finance capital into all areas of the world with the objective of securing maximum profits for that same small group of countries that, in the past, had

financed their development with profits from the slave trade. Once that fact was acknowledged, it was easy to understand the rabid and seemingly irrational resistance to the World Conference against Racism which, by exposing the true roots of racism, its beneficiaries and the reasons it stubbornly persisted risked upsetting the globalized economic apple-cart. The World Conference had thus to be killed gently by negligence, insufficient funding, bureaucratic procrastination and lack of publicity.

45. Globalization as imperialism needed to be further analysed and the Sub-Commission should carry out a study on the relationship between the transatlantic slave trade and the birth of the ideology of racism; such a study would establish the theoretical basis for the compensation due both to the descendants of the victims and to the countries from which they had been stolen.

46. The Sub-Commission should also see how private actors such as the transnational corporations and multilateral institutions could be made accountable to human rights mechanisms, for national policies were often carried out under the cover of transnational corporations over which sovereign States asserted they had no control. The first step towards developing human rights mechanisms and demanding that the transnational corporations comply with them was the universal ratification by all States of all existing human rights instruments.

47. Mr. Oloka-Onyango's working paper (E/CN.4/Sub.2/1999/8) identified the important and extremely sensitive area of racism within global civil society. The dominant players within the NGO community all came from the same elite group of countries. It was always the same group of well-financed NGOs from the developed world that handpicked and subsidized "safe" people to represent the developing world at the international level. Global civil society had raised no audible objection to clearly racist decisions regarding assistance, such as its diversion and the diversion of United Nations personnel from Africa to the Kosovo relief effort.

48. In preparing for the World Conference, the venue of which should be Brazil, the Sub-Commission should include plans to utilize fully the offices of the Special Rapporteur on contemporary forms of racism, racial discrimination xenophobia and related intolerance and to ensure adequate funding for him to carry out his mandate. It should also add its voice to those insisting that the United States of America hold a national preparatory meeting for the World Conference. The situation of Africans in the Americas, especially the United States of America, should once again be included in the agenda of the Working Group on Minorities with a view to producing a paper for presentation to the World Conference; if that were not possible, a working group should be established on the conditions of Africans in the Americas.

49. Ms. PARKER (Minnesota Advocates for Human Rights) described the activities of her organization's Building Immigrant Awareness and Support project, which had been set up in 1994 as an educational and outreach campaign to address anti-immigrant sentiment. The project worked in communities and schools through workshops, written and video curriculum materials, and technical assistance to provide accurate information on immigrant and refugee issues, informing immigrants about the communities and the communities about

immigrants. Her organization would be pleased to share information on the project's methods and to receive any suggestions for improvements; it was one approach to building long-term constructive relationships in a community and preventing racism from gaining a foothold.

50. Mr. MICHEL (December Twelfth Movement International Secretariat), having noted that, for the fourth time running, the United States of America had failed to present to CERD its report on racial discrimination within its borders, said that the most relevant current form of racism was its incorporation into the engine of a powerful and efficient machine, such as the Government of the United States of America or a financial superstructure such as the International Monetary Fund (IMF). Racism was not an emotional sickness which people acquired but an economic tool and, subsequently, a learned behaviour.

51. Having been used initially to justify the transatlantic slave trade, racism was currently being used to control the production and distribution of the world's goods and services with resources pillaged from and produced in the South and distributed in abundance in the North. The international community should review the interests of the world economies to see if they were consistent with the standard of democracy held by most of the world.

52. Nearly one-third of the people of Africa relied wholly or partly on imported food and Africa accounted for only 3 per cent of world trade. That was the result of the IMF's structural adjustment policies which had weakened the capacity of African Governments for economic management by insisting that they move out of the economic area. The racist policies of the imperialist powers of the North were also evident in their funding practices: according to the United Nations High Commissioner for Refugees (UNHCR), recent pledges of aid to deal with the refugee crises in sub-Saharan Africa had amounted to US$ 127 million, whereas the United States of America and the countries of Europe had provided US$ 225.7 million through UNHCR programmes for the 850,000 refugees of Kosovo.

53. The Sub-Commission should establish once and for all that the transatlantic slave trade was a crime against humanity. There had been no compensation for those who had suffered from the effects of that trade, and blacks in the United States of America continued to suffer from poor education, high unemployment, high rates of incarceration, poor health care and inadequate housing. The Sub-Commission should encourage the inclusion of grass-roots NGOs in the preparations for and participation in the World Conference, and recommend to the Commission on Human Rights that Brazil should be the Conference's venue.

54. Mr. GUPTA (Indian Council of Education) said that there continued to be a direct relationship at the global level between poverty and skin colour that amounted to a form of apartheid. In many developed countries, immigrants suffered discrimination in employment, wages, opportunities for promotion and social interaction, and organizations and parties had emerged in some countries which mobilized support on the basis of racial superiority. There were 150 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination but not many of them had made declarations in respect of its article 14 whereby a State party recognized the competence

of CERD to receive and consider communications from individuals or groups of individuals within a State's jurisdiction claiming to be victims of a violation of any of the rights set forth in the Convention. Most situations of conflict traced their origins to religion or ethnicity, the sentiment of superiority being at their core. His organization was thus in favour of holding a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

55. Ms. PATTY (Interfaith International) said that the most effective ways for Governments to fight racism were: to fund the World Conference; ratify the International Convention on the Elimination of All Forms of Racial Discrimination; and pass legislation to implement all relevant provisions of those instruments. Her organization thanked Mr. Oloka-Onyango for his informative study on globalization and racism (E/CN.4/Sub.2/1999/8). Globalization was bringing a new group of participants into the human rights arena and they needed to be educated in those rights and the obligations they entailed.

56. Governments often turned a blind eye to the treatment of indigenous peoples who were regarded as standing in the way of "progress", i.e. the exploitation of natural resources. One case in which the voice of the human rights community had been listened to was the struggle of the Ogoni people with the international oil companies in Nigeria. In the Amazon region, deforestation had not only disrupted the way of life of the indigenous peoples but had affected the ecosystem worldwide.

57. There had been recent shocking examples of racial hatred and violence in the Western world, including the United States of America where young coloured men were much more likely than others to be killed or imprisoned, and young women to be denied access to the means of meeting basic personal needs.

58. Conflict in the Darfur area of Western Sudan had pitted two groups of peoples against one another through stereotyped identifications. A glaring example of discrimination against indigenous people was their exclusion from a large shopping complex built in Irian Jaya for the personnel of the world's largest copper and gold mine, where their presence was alleged to make other shoppers feel uncomfortable. She called upon Member States to fund the Conference, pay their dues and work together to end the madness of racism and racial discrimination.

59. Mrs. WARZAZI said that declining economic conditions in developing countries were compelling an increasing number of people to seek a living abroad for themselves and their families. Their departure, which was often clandestine, exposed them to the hazards of a journey organized by unscrupulous traffickers who extracted the last penny from them before abandoning them to the elements of sea or land. A sad lot awaited those who survived the journey - racism and rejection.

60. It was only when acts of discrimination reached a pitch of criminality that reactions were at long last aroused. She had particularly in mind both the recent grave events in Catalonia, which had claimed many victims, especially in the Moroccan community, and the resulting demonstrations by Spanish human rights organizations. Racist violence had become a major factor

in what were regarded as leading Western democracies. According to a recent report, the number of racist attacks in Austria not only by young extremists but also by police had increased by 15 per cent over the preceding year.

61. Some observers had even warned of the possible establishment of a racist regime within the European Union, and the Simon Weisenthal Centre had identified over 1,400 Internet sites in North and South America and Europe that defended racism, anti-Semitism, anti-Islamism and terrorism. In Italy, which had received over 200,000 immigrants at the beginning of the current year fundamentalist Catholics had called upon the people of Turin to "protect and defend the identity of Christian civilization from the Muslim invasion". In Asia, following the economic upheaval, migrant workers had been the first to find themselves without work and faced with ruthless expulsion. The Third Decade to Combat Racism hardly seemed to be achieving its objectives. Praiseworthy measures had, however, been adopted by a number of countries: Belgium had modified its Constitution to make racism in the press punishable by law. The Migrants' Forum of the European Union provided a means of drawing the attention of the 15 European Union countries to migrants' grievances. Manifesto 2000, launched by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in favour of a culture of peace and non-violence, had identified the basic problem as inequality, which engendered frustration, injustice, domination and racism.

62. She hoped that the Special Rapporteur recently appointed by the Commission on Human Rights to promote the rights of migrant workers would succeed in persuading the Governments to adopt policies to convince their societies that migrant workers should not be regarded as job-stealers, wage undercutters, and drug traffickers or terrorists, and to recognize the positive impact of immigration on social well-being. The Special Rapporteur should also grapple with the problem of clandestine immigration, which, in spite of the Schengen Agreements, had become a major subject of political debate and often resulted in the very real problems of legal immigrants being ignored.

63. The problem of migration would best be dealt with not by building walls around countries but by the provision of development programmes for the countries of origin. Fear and rejection of the unfamiliar could be overcome by better balanced mutual knowledge.

64. Mr. SHAMSHUR said that the statements made by a number of NGOs supported the conclusions of the Commission's working group of intergovernmental experts on the human rights of migrants that the full enjoyment of human rights was being denied them. The Sub-Commission would best serve the cause of the human rights community by directing its attention to comparatively neglected areas of the general migrants' situation, which was exacerbated by the increased mobility of populations resulting from globalization.

65. One such area was the rights of non-citizens, highlighted by Mr. Weissbrodt's working paper. He hoped that Mr. Weissbrodt would continue his work on that subject in concert with the CERD and in the light of the forthcoming World Conference. Another area deserving special attention from the Sub-Commission was the role played by the mass media, which had both

negative and positive aspects. While their role in stereotyping migrants was well known, they also had a positive role to play in spreading objective information about migrants and their rights, a process to which public and private institutions could also contribute.

66. One of the most important areas for Sub-Commission activities was the deplorable phenomenon of traffic in human beings to which migrants were particularly vulnerable. Women and children were increasingly becoming victims of criminal gangs engaged in prostitution and pornography. The Sub-Commission could help to establish international standards and promote measures to combat trafficking and punish its perpetrators, and to establish mechanisms to ensure their effective implementation. The issue of affirmative action, which was receiving wide attention and was much debated in many countries, was also one that the Sub-Commission should address.

67. Mr. OLIVER (International Institute for Peace) said that racial discrimination persisted in an age of supposed enlightenment, as was starkly illustrated in a study of the contrasting policies of India and Pakistan, carried out by his organization. India had chosen the path of secular democracy and had succeeded in reducing intolerance and discrimination by legal action and constitutional reform. The Indian media had guarded the ethos of equality, and the educational system had fashioned generations dedicated to the pursuit of modernity and scientific achievement.

68. Pakistan, on the other hand, had fallen into the hands of a succession of military dictatorships, and religion - the basis on which the country had been created - had become the tool of repression. A series of laws sanctioned discrimination against religious minorities and women, and where the State structure "fell short", fundamentalist groups took over. Attacks on the media, on minority religious and ethnic groups, such as the Mohajirs, and on minority sects, such as the Shias, all testified to a growing ethos of State-sanctioned intolerance. The power of fundamentalist groups was such that they even represented a threat to the Government if it failed to espouse their policies. That was a situation that could not be ignored by the human rights community, which should see in it not only a threat to the rights of the people of Pakistan but a grievous setback to the worldwide struggle against racial and other forms of discrimination.

69. Mr. ALI (Afro-Asian Peoples' Solidarity Organization) said that the existence of a pool of cheap labour from the developing countries had made an essential contribution to the economic transformation that had enabled countries such as the oil-producing ones and Western European countries devastated by war to achieve a high level of prosperity. When economic development stagnated, however, the foreign or "guest" workers were the first target of frustration, as was witnessed by the attacks on the Turkish labour force in Germany, and the call to halt immigration in France.

70. The very countries that propounded the theories of free trade, such as the United States of America, Australia, and the United Kingdom, were currently in the forefront of moves to restrict the mobility of labour. Old prejudices of colour and creed were once again coming into play, leading to such abuses as the ill-treatment of maidservants in the Gulf countries, the

imposition of quotas, forfeiture of passports and wages, attacks on foreign workers, denial of recourse to law, and the exploitation of female employees for sexual gratification. The only cure for xenophobia was education, resulting in a radical change of attitudes. The Sub-Commission should demonstrate its concern about the rights of migrant workers by investigating the record of those countries that had achieved economic success on the backs of poor labour from the developing countries.

The meeting rose at 12.55 p.m.